

SEP 15 2008

NORMAN M. CAMERON

1401 - 1166 Alberni Street
Vancouver, B.C.
Canada V6E 3Z3
Tel: (604) 688-6442
Fax: (604) 688-6445

FAX TRANSMISSION COVER SHEET

Date: September 15, 2008
To: The United States Patent and Trademark Office
Attn: Commissioner of Patents and Trademarks
Fax: 571-273-8300
Re: United States Patent Application No.: 10/635,483
Agent's Ref.: 5317P01US
Sender: Norman M. Cameron

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU
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SEP 15 2008

Docket No.: 5317P01US

IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

In re application of:	10/635,483)	
Examiner:	NGUYEN, Camtu Tran)	
Patent Application No.:	10/635,483)	Art Unit:3772
Filed:	August 7, 2003)	
For:	MANDIBLE POSITIONING DEVICES)	

September 15, 2008

Commissioner of Patents and Trademarks
United States Patent and Trademark Office
Washington, D.C.
U.S.A. 20231

Dear Sir:

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY

In all times prior to April 1, 2007, the Agent responsible for this file was Brian Long. Brian Long retired on March 31, 2007. The undersigned took over responsibility for the file on April 1, 2007 after Brian Long retired.

The undersigned had no knowledge of this matter or any transactions relating to this matter prior to April 1, 2007 except from subsequently reviewing the file record.

The undersigned received the Notice of Abandonment dated June 13, 2007 indicating that the \$1,700.00 for the issue fee and publication fee had not been received.

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The undersigned checked the file and it appeared that the issue fee had been paid. Accordingly a petition was dispatched on August 8, 2007 to withdraw the holding of abandonment on the grounds of the issue fee had been paid. However a substitute check for \$1,700.00 was enclosed with the petition.

The check for \$1,700.00 originally filed on March 19, 2007 was drawn on a bank account controlled by Brian Long. The undersigned does not have records for this account dating back to that time since the records were subsequently transferred to Brian Long's accountant.

It was the belief of the undersigned when filing the petition on August 10, 2007 that the fee had been paid, but the check had been misplaced. There was no information known to the undersigned to the contrary.

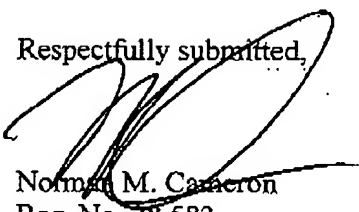
The applicant received on September 2, 2008 the Decision on Petition dated August 26, 2008. This is the first time that the applicant or the undersigned learned of the allegation that the original check had not been cleared. After learning this information, the undersigned petitioned for revival on the basis that the application was unintentionally abandoned.

Any shortfall in the relevant bank account was clearly inadvertent. Brian took all normal steps to pay this fee and met all of his other financial obligations on retirement as far as the undersigned is aware.

It is submitted that the applicant, together with the undersigned agent, acted in a timely manner after learning of the abandonment of the application and that the petition for revival should be granted.

The undersigned has checked and found that the check for \$1,700.00 filed with the Petition on August 10, 2007 has been processed and it is requested that this should be applied to the issue fee.

Respectfully submitted,



Norman M. Cameron
Reg. No. 28,583
1401 - 1166 Alberni Street
Vancouver, B.C.
Canada V6E 3Z3
Tel: (604) 688-6442
Fax: (604) 688-6445

SA647.5317

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PTO/SB/64 (08-08)

Approved for use through 09/30/2009. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
5317P01US

First named inventor: Halstrom, Leonard W.

Application No.: 10/635,483

Art Unit: 3772

Filed: August 7, 2003

Examiner: Nguyen, Camtu Tran

Title: Mandible Positioning Device

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of _____ (identify type of reply):☒ has been filed previously on March 19, 2007
☐ is enclosed herewith.B. The issue fee and publication fee (if applicable) of \$ 1700.00☒ has been paid previously on August 10, 2007 09/16/2008 VBUI11 00000063 10635483
☐ is enclosed herewith.

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770,00 OP

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (08-08)

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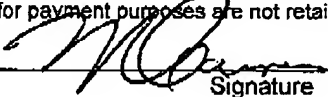
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

September 15, 2008

Date

Norman M. Cameron

Typed or printed name

28,583

Registration Number, if applicable

1401 - 1166 Alberni Street

Address

604 688 6442

Telephone Number

Vancouver, British Columbia, Canada V6E 3Z3

Address

Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Sept 15 2008
Date
Signature

Norman M. Cameron

Typed or printed name of person signing certificate